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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

“LILY,” “SARAH,” “SOLOMON,”  
WILLIAM L.E. DUSSAULT, Guardian Ad  
Litem for “VIOLET”, a minor, JANE DOE as  
next friend for “PIA, a minor, “ANDY,” and  
“JENNY,”

Plaintiffs,

v.

JAN ROUVEN FUECHTENER,

Defendant.

Case No: 2:19-cv-00352-RFB-EJY

PLAINTIFFS’ REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF THEIR  
MOTION FOR SUMMARY  
JUDGMENT

Judge: Honorable Gloria M. Navarro United  
States District Court Judge

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Plaintiffs request this Court to take judicial notice, pursuant to  
Federal Rule of Evidence 201, of the documents listed below and attached to the Declaration of Carol

PLAINTIFFS’ REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF PLAINTIFFS’ MOTION FOR  
SUMMARY JUDGMENT - 1

1 L. Hepburn (“Hepburn Decl.”) in support of Plaintiff’s Motion for Judicial Notice. Specifically,  
 2 Plaintiffs request that the Court take judicial notice of the following documents:

3 **Exhibit 1:** is a true and correct copy of the November 16, 2016 Plea Agreement filed at ECF  
 4 146 in *United States v. Jan Rouven Fuechtener*, United States District Court, District of Nevada, No.  
 5 2:16-cr-00100-GMN-CWH (Hepburn Decl. ¶3, Ex. 1);

7 **Exhibit 2:** is a true and correct copy of the February 28, 2019 Partial Transcript of Proceedings  
 8 of Sentencing and Disposition, filed April 8, 2019 at ECF 356 in *United States v. Jan Rouven*  
 9 *Fuechtener*, United States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH  
 10 (Hepburn Decl. ¶5, Ex. 2); and,

12 **Exhibit 3:** is a true and correct copy of the March 6, 2019 Judgment and Appended Restitution  
 13 List, setting forth the victims who were awarded restitution, filed at ECF 345 in *United States v. Jan*  
 14 *Rouven Fuechtener (AKA Lars Schmidt)*, United States District Court, District of Nevada, No. 2:16-cr-  
 15 00100-GMN-CWH (Hepburn Decl. ¶4, Ex. 3).

## 17 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 18 **INTRODUCTION**

19 Plaintiffs’ “Lily” et al respectfully request that this Court take judicial notice of three  
 20 documents listed above and filed in the criminal case, *United States v. Jan Rouven Fuechtener*, United  
 21 States District Court, District of Nevada, No. 2:16-cr-00100-GMN-CWH.

### 24 **ARGUMENT**

25 In considering a motion for summary judgment, a court may consider any matters subject to  
 26 judicial notice. A matter is subject to judicial notice when it is “not reasonably subject to dispute”  
 27 because it either “(1) is generally known within the trial court’s territorial jurisdiction; or (2) can be  
 28

1 accurately and readily determined from sources whose accuracy cannot reasonably be questioned” Fed.  
 2 R. Evid. 201(b). A court “must take judicial notice if a party requests it and the court is supplied with  
 3 the necessary information.” Fed. R. Evid. 201(c)(2).

4 Judicial notice may be taken of “undisputed matters of public record: and “documents on file in  
 5 federal or state courts” in order to determine “what issues were actually litigated” before the court.  
 6 *Harris v. County of Orange*, 682 F.3d 1126, 1132 (9<sup>th</sup> Cir. 2012) (citing *Bennett v. Medtronic, Inc.*, 285  
 7 F.3d 801, 803 n.2 (9<sup>th</sup> Cir. 2002)).

8 All the documents of which Plaintiffs request notice here are of public record in this court’s  
 9 criminal case docket. All are relevant to Plaintiffs’ claims herein as they establish Defendant’s  
 10 conviction of a predicate offense under 18 U.S.C. § 2255, his admission of injury to his victims by his  
 11 offense, the court’s finding of losses suffered by Plaintiffs herein caused by the Defendant’s offense,  
 12 and the entry by the court of the order of Restitution.  
 13  
 14

## 15 CONCLUSION

16 For the foregoing reasons, Plaintiffs’ respectfully request that the Court grant their Request for  
 17 Judicial Notice in support of their Motion for Summary Judgment.  
 18

19 Dated this 12th day of June, 2020.

20  
 21  
 22 CARPENTER, ZUCKERMAN, & ROWLEY

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